



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

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Senate: ED DPA 4-3-0-0 | 3rd Read 16-13-1-0

**HB 2539: school choice; failing schools; notice**  
**Sponsor: Representative Pingerelli, LD 28**  
**Senate Engrossed**

**Overview**

Creates the Arizona School Choice Program (Program) in the Arizona Department of Education (ADE) and outlines its duties. Alters and creates new public notification requirements for a D or F letter grade school.

**History**

As added by [Laws 2021, Chapter 404](#), the State Board of Education (SBE), subject to the availability of appropriated monies, is required to design a public awareness effort to distribute school choice and enrollment materials that: 1) communicate the ability to choose any Arizona public school; 2) include resources to learn about school choice options; and 3) instruct the public how to request enrollment for students. SBE may collaborate with public and private partners and ADE ([A.R.S. § 15-816.01](#)).

ADE, subject to adoption by SBE, is required to annually compile an achievement profile for each public school or local education agency based on an A through F letter grade system. These profiles reflect the achievement of the public school or local education agency on the academic and educational performance indicators outlined in statute ([A.R.S. § 15-241](#)).

Schools assigned a D or F letter grade are required to develop or modify an improvement plan and present that plan at a public meeting. Within 30 days of receiving a D or F letter grade, a school district or charter school must provide a notice of the classification to each residence within the attendance area of the school or to the parents of students attending the charter school, respectively, that contains information about the improvement plan process and the public meeting ([A.R.S. § 15-241.02](#)).

**Provisions**

***Program***

1. Establishes the Program in ADE. (Sec. 2)
2. Directs the Program to implement a public awareness program that:
  - a) informs the public about a student's ability to choose any Arizona public school;
  - b) directs the public to informational resources that explain school choice options; and
  - c) instruct the public how to request enrollment for students. (Sec. 2)
3. Mandates the Program develop single-page informational pamphlets that:
  - a) educate parents on the available school choice options for students in kindergarten through the 12th grade; and
  - b) are available in physical and digital formats and, if digital, contain hyperlinks to websites that provide further information. (Sec. 2)

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| <input type="checkbox"/> Prop 105 (45 votes) | <input type="checkbox"/> Prop 108 (40 votes) | <input type="checkbox"/> Emergency (40 votes) | <input type="checkbox"/> Fiscal Note |
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4. Instructs the Program to develop and annually update a handbook of specified school choice options that are available to students in kindergarten through the 12th grade. (Sec. 2)
5. Requires the Program to develop the failing school notification form and the school choice notification letter. (Sec. 2)
6. Tasks the Program with operating a centralized hotline to respond to school choice questions and details requirements for the hotline. (Sec. 2)
7. Mandates the Program collaborate with public and private partners and SBE to achieve its statutory objectives. (Sec. 2)
8. Requires SBE and ADE to post in a conspicuous place on their websites the digital information pamphlet and school choice handbook. (Sec. 2)

***Failing School Notification Form and School Choice Notification Letter***

9. Requires SBE to develop a failing school notification form containing the following in English and Spanish:
  - a) a notice and explanation of the school's assigned letter grade and the data and scores that comprise the letter grade;
  - b) the average academic proficiency score and academic growth score used to calculate the letter grade; and
  - c) a summary of the school improvement plan and the time and place of any public meeting in which the school's letter grade or improvement plan will be discussed. (Sec. 2)
10. Mandates ADE develop a school choice notification letter that contains the digital informational pamphlet developed by the Program. (Sec. 2)
11. Requires, within 60 days after receiving notification that a school has been assigned a D or F letter grade, a charter school governing body or school district governing board to:
  - a) complete the failing school notification form and send it to the parent of each student enrolled in the school;
  - b) send the school choice notification letter to the parent of each student enrolled in the school; and
  - c) submit to SBE evidence of compliance with the notification requirements. (Sec. 1, 2)
12. Allows the required notifications to be delivered electronically if the school district or charter school ordinarily electronically communicates with students' parents. (Sec. 2)
13. Specifies electronic communications must contain hyperlinks to websites that provide further information. (Sec. 2)
14. Stipulates that if a school district or charter school does not comply with the notification requirements, ADE must suspend the distribution of Classroom Site Fund monies until ADE receives satisfactory compliance evidence. (Sec. 2)
15. Replaces the requirement that ADE publish in a newspaper in each county at least twice each year a list of F letter grade schools with the requirement that ADE post on its website and all official communication channels a list of F letter grade schools. (Sec. 1)

***Arizona Department of Transportation (ADOT) Requirements***

16. Instructs ADOT, if a person moves to Arizona and initially registers a motor vehicle, to electronically deliver the digital informational pamphlet to the person. (Sec. 2)
17. Requires ADOT, by December 1, 2024, to electronically notify all existing Arizona motor vehicle registrants of the school choice options available to students in kindergarten through the 12th grade using the digital informational pamphlet created by the Program. (Sec. 3)

***Miscellaneous***

18. Makes technical and conforming changes. (Sec. 1)

**Senate Amendments**

1. Instructs a charter school governing body or school district governing board, if a school has been assigned a D or F letter grade, to submit evidence of compliance to ADE instead of SBE.
2. Requires ADE, instead of SBE, to develop the failing school notification form.